SINGLE BENCH

CF-300/

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 652 /2007

PETITIONER

1. Gopal Ram Verma S/o Shri Rampyari Verma, Aged about 46 years, R/o Villlage-Murtarai,P.O.-Kopra Tahsil-Rajim, District-Raipur (C.G.) Posted as Assistant teacher at Government Middle School Thelkabandha, Abhanpur, District Raipur, C.G.

2. Tameshwar Kumar Dhritlahre S/o Shri Sapat Ram Dhritlahre aged about 42 years, R/o Village-Gatapar, Post-Abhanpur, Distcit-Raipur (C.G.) Government Middle School Thelkabandha, Abhanpur, District Raipur, C.G.

3. Chandrahas Sahu S/o Salik Ram Sahu, Aged about 47 years, R/o Village-Phurera, Post Office-Sirri, District-Raipur (C.G.) Posted as Assistant teacher at Government Primary School Girola Block, Abhanpur, District Raipur, C.G.

4. Gajadhar Prasad Sahu S/o Shri Nirbhay Ram Sahu Aged about 47 years, R/o Village-Palaud, Post-Tikari (Julum), Distcit-Raipur. (C.G.) Posted as Assistant teacher at Government Primary School Kharia Block, Abhanpur, District Raipur, C.G.

5. Mahboob Khan Quarshi S/o Bashir Khan Quareshi, Aged about 46years, R/o Village-Amdi, Post-Parsada Vidhya Mandir Via- Abhanpur, District-Raipur. (C.G.) Posted as Assistant teacher at Government Primary School Bhatgaon, Block, Abhanpur, District Raipur, C.G.

P.S. ... Presented by ... dated 24/11/07

RECEIVED-COPY 24/11/07 CLERK to A. G. BILASPUR

OATH COMMISSIONER S.R. Kaushik BILASPUR TAHSIL AREA

VERSUS

RESPONDENTS

1. State of Chhattisgarh
   Through the Secretary,
   School Education
   Department, Mantralaya,
   D.K.S. Bhawan, Raipur (C.G)

2. District Education Officer District
   Education Office, District Raipur
   (C.G.)

3. Block Education Officer Block
   Education Office, Abhanpur,
   District Raipur , (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(4)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (s) No. 652 of 2007

Petitioner : Gopal Ram Verma & others

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Jitendra Gupta, Advocate for the petitioners.
Miss Sunita Jain, Panel lawyer for the State/respondents.

ORDER

(Passed on this 5th day of February, 2007)

1. Learned counsel appearing for the petitioners submits that the petitioners were appointed on the post of Assistant Teacher. The petitioner No.1 Gopal Ram Verma was appointed vide order dated 11.2.1985 (Annexure P/1) for a period of two years on fixed pay of Rs. 300/- p.m., petitioner No.2 Tameshwar Kumar Dhritlahre was appointed vide order dated 25.1.1989 (Annexure P/2) for a period of one year on fixed pay of Rs. 300/- p.m., petitioner No.3 Chandrahas Sahu was appointed vide order dated 26.9.1982 (Annexure P/3) for a period of two years on fixed pay of Rs. 150/- p.m., petitioner No.4 Gajadhar Prasad Sahu was appointed vide order dated 1.7.1986 (Annexure P/4) on fixed pay of Rs. 300/- p.m. and petitioner No.5 Mahboob Khan Qureshi was appointed vide order dated 28.11.1985 (Annexure P/5) on a fixed pay of Rs. 300/- p.m.

2. It is further submitted by learned counsel for the petitioner that during the probation period the petitioners were only paid the

fixed salary, though they were entitled to get monthly payment on the basis of regular pay scale during that period.

3. Learned counsel for the petitioners placed reliance on a decision of the Madhya Pradesh State Administrative Tribunal passed on 24.8.1992 in O.A.No. 2745 of 1989 (Madhukant Yadu and 56 others Vs. State of M.P. & others). In that case learned Tribunal after having considered the facts and circumstances of the case directed the respondents to make payment of salary in the regular scale of pay along with all applicable allowances from the date of appointment of the petitioners.

4. Learned counsel for the petitioners also placed reliance on the order dated 23. 3. 2006 passed by this Court in Writ Petition No. 2577/2003 (Nem Singh Thakur and others Vs. State of Chhattisgarh & others) and submits that the question of law and the facts involved in this petition are similar to that of in the cases cited above. Learned counsel appearing for the respondents fairly concedes and agrees with the submission made by the petitioners.

5. In view of the above this petition stands disposed of in terms of the order dated 24.8.1992 passed in O.A.No. 2745/1989 (supra) and the order dated 23. 3. 2006 passed by this Court in Writ Petition No. 2577/2003 (supra). No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur